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ADMINISTERING THE STATE IN MYANMAR: AN OVERVIEW OF THE GENERAL ADMINISTRATION DEPARTMENT

KYI PYAR CHIT SAW AND MATTHEW ARNOLD

Policy Dialogue Brief Series No. 6

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ONE: INTRODUCTION

The General Administration Department (GAD) is the primary actor for public administration in Myanmar. No other civilian government organization has such a wide presence, and even the *Tatmadaw* (army) is not spread among the general population to the same degree. The GAD supports coordination and communication among the Union government's 36 ministries, and connects Nay Pyi Taw to the approximately 16,700 wards and village tracts across the country. Within the Union government, GAD is a part of the Ministry of Home Affairs (MoHA).

The GAD's primary responsibility is the management of the country's public administrative structures, which are hierarchical and geographically defined. The 14 state and region governments rely on the GAD to act as their civil service, while the state/region executive secretary, a GAD deputy director general, is the senior civil servant in each state and region. Below states and regions, local GAD officers run the township offices, the critical building blocks of Myanmar government administration. This township administrator also provides direction to other village tract and ward administrators.

The importance of the GAD depends not just on what it controls directly, which is nonetheless significant, but on its ubiquitous presence and its mandate to coordinate other government actors. The GAD has experienced only limited reform since 2011, and has accrued new powers at the state and region level. GAD's parent ministry, Home Affairs, is one of the three ministries led by a military officer appointed by the commander in chief, a further indication of the Department's preeminence.¹

Although many changes are sweeping Myanmar's public sector, from elections to legislation to policy evolution, one of the great constraints is the ongoing centrality of

the GAD to the functioning of the state, especially at subnational levels. This policy brief outlines the GAD's mandates, roles, and structures and framing them in the wider governance context.

1.1: Historical Overview

Myanmar's pre-independence history includes a number of general administration constructs stemming from both local imperial rule and the British colonial period. In these contexts, "general administration" was premised on the need for bureaucratic units to support powerful executives to fulfill general tasks and manage the state's engagement with the general public. Basic administration in Myanmar has long relied upon a hierarchy of administrators overseeing a "graded territorial system."² Routinely under the kingdoms of Burma, ministers, known as *wungyi*, oversaw a series of departments responsible for administrative needs ranging from defense and the judiciary, to revenue and finance, to agriculture and public service. The lynchpins of these departments were the township governors, or *myo wun*, who ran township offices, or *myo-yons*. A range of other officials supported them in areas such as local intelligence or the collection of land revenue. Below the township were the village heads, and above were the heads of larger townships or districts, the *kayaingun*.

The British colonial administration was initially based on the "indigenous administration system" at local levels, though it evolved significantly over time.³ The use of indirect rule, particularly in remote areas, was common: traditional leaders remained in place, overseen by British resident officers. The chief commissioner was the highest local authority, acting as an "agent of the governor general." A graded territorial system was created with township officers, deputy commissioners, and commissioners.⁴ Alongside traditional functions, local colonial administrators added to their roles the coordination of central government departments such

¹ Constitution of Myanmar, 2008, Article 232.

² J.S. Furnivall, (1958), *The Governance of Modern Burma*, New York: The Institute of Pacific Relations, 7.

³ Daw Mya Sein, (1973), *The Administration of Burma*, London: Oxford University Press, 125.

⁴ John Sydenham Furnivall, *Governance of Modern Burma*, 81.

as health, education, and forestry, for the first time establishing a degree of local influence for these departments. The British administrative structure was rooted in the Upper Burma Village Regulation Act and the Lower Burma Village Act, later revised as the Village Act of 1907. These laws also codified the roles for village heads, known as *thugyi*, giving them a mandate to “suppress disorder and strengthen the hand of district officers.”⁵

1.2: Burma’s Administrative Authorities Post-Independence

During the post-independence “Parliamentary Government,” many colonial systems were maintained, and the Burmese Government Secretariat of the Ministry of Home Affairs retained responsibility for administrative functions. The formation of the Secretariat Office can be considered a foundation of sorts for the current GAD structure. In 1957, reorganization placed the Secretariat under the Prime Minister’s Office,⁶ and two sub-ministerial departments were formed, one of which was the General Administration Department. By the end of this period, geographic units of administration had been standardized into states/divisions, districts, subdivisions, townships, and wards and village tracts.

Following the 1962 coup, the Revolutionary Council Government formed a security and administrative committee for each level of government and delegated executive power. At all levels, *Tatmadaw* personnel were the committee chairpersons, while the general administration staff and police were included as members. This coincided with a significant reduction in the size and role of civilian administrations in favor of “security and administrative” councils.

In 1972, General Ne Win directed structural changes to government administration, with the aim of eliminating the colonial legacies within the Secretariat Office. A consolidated Ministry of Home and Religious Affairs

was created. Its offices performed most administrative functions of the state, including local administration and development, “press scrutinizing,” and rural development.⁷ This period saw some significant duties removed from GAD’s portfolio, such as judicial functions and various land and revenue administration.⁸ The passage of the 1974 Constitution saw the Burma Socialist Program Party form People’s Councils at all levels of government. These councils worked along the same lines as previous security and administrative committees.

GAD Functional Sectors

1. Personnel affairs, budgets, and accounts;
2. Meetings, reports, and election commission support;
3. Legal affairs, security, rural development activities, and urban rent control;
4. Land and excise administration, revenue collection, and works delegated by other ministries; and
5. Economic, social, and Peace and Development Council affairs.

Following their assumption of power in 1988, the State Law and Order Restoration Committee (SLORC) made significant changes to Myanmar’s administrative systems. Law and order restoration councils, comprising army officers, GAD staff, and police officers, were created at each level of government. The GAD as recognized today was effectively created at this point, when the formerly named General Department was renamed and hosted within a reformed Ministry of Home Affairs. From 1988 to 2011, the GAD was central to the functioning of the law and order restoration councils and subsequent peace and development councils.

Core mandates for the GAD in the pre-reform period included town and village administration, development affairs, land and excise administration, and a number of other responsibilities.

TWO: LEGAL MANDATE AND STRUCTURE

⁵ Daw Mya Sein, *Administration of Burma*, 125.

⁶ U Kyaw, (2012), *Review of Management of Myanmar Administrative Organizations*, (unpublished), 34.

⁷ *General Administration Department Chronicle*, 27.

⁸ U Kyaw, (2004), *Changes in Territorial Administrative Structures and Role of Public Administrators in Myanmar*, MPA thesis submitted to Yangon Institute of Economics (unpublished), Yangon, 43

2.1: 2008 Constitution

Under the 2008 Constitution, the GAD exists as part of the Ministry of Home Affairs (MoHA), its ministerial home since 1988. The MoHA is one of three important ministries led by high-ranking military officials, alongside Defense and Border Affairs. Within MoHA, GAD's sister organizations are primarily concerned with the security matters of state – the police, the Bureau of Special Investigation, and prison and fire services. As part of this group, the GAD places a very heavy ideational value on the protection of peace and stability. The GAD's security role remains central to basic administration across the country and at various levels of administration, including state- and region-level governments.⁹

The official role of GAD is primarily concerned with upholding the law, ensuring that peace and security are maintained in villages and townships, and the people's welfare.¹⁰ The GAD has a mandate to support government security efforts as well as report relevant information upwards through its internal structure. This information includes population movements, security incidents, and basic demographic information.

The 2008 Constitution establishes GAD as the primary link between the Union and subnational governance. It also outlines the GAD's direct control of the country's core administrative bodies: the district and township offices. In addition, GAD was assigned new responsibilities within the newly formed states and regions, and within the new Union capital, Nay Pyi Taw. In 2010, the State and Region Government Law was passed, providing greater definition of GAD's state-level role. Primarily this entails the GAD acting as the civil service for the new state and region governments through the creation of three attendant offices to support their functioning.

The relative power of the GAD has increased since 2008. As peace and development councils were eliminated, so too was the routine involvement of *Tatmadaw* officers in general administration. The new state and region governments are utterly dependent on the GAD for basic functions, as there is no subnational civil service.¹¹ The only area where the GAD has experienced any reduction in influence is at the local level, where the 2012 Ward and Village Tract Administration Law led to indirect elections for village tract and ward administrators. Tract and ward clerks remain part of the GAD hierarchy.¹² The GAD has expanded in Myanmar's self-administered zones, receiving a legal mandate under the Constitution to lead the administration of these areas.

With these mandates, the GAD now plays two institutional roles.¹³ The first is its “historic role,” while the second is defined around recent changes to subnational governance. The historic role has been relatively untouched by the Constitution or later laws, and focuses on an eclectic variety of core mandates. These range from excise management to collecting demographic data, from land management to dispute resolution. This historical role also includes the continued provision of basic administration and supervision of all 16,700-plus wards and village tracts.

The second institutional role has been GAD's support of new state and region governments. This has meant acting as the administration for state and region governments and their chief ministers. The new role has forced GAD to evolve from a centralized actor working directly for Nay Pyi Taw to an increasingly decentralized department with a mandate to respond to the demands and dictates of new subnational governments.

GAD's dual roles

⁹ Robert Taylor, (2009), *The State in Myanmar*, Honolulu: University of Hawaii Press, 501.

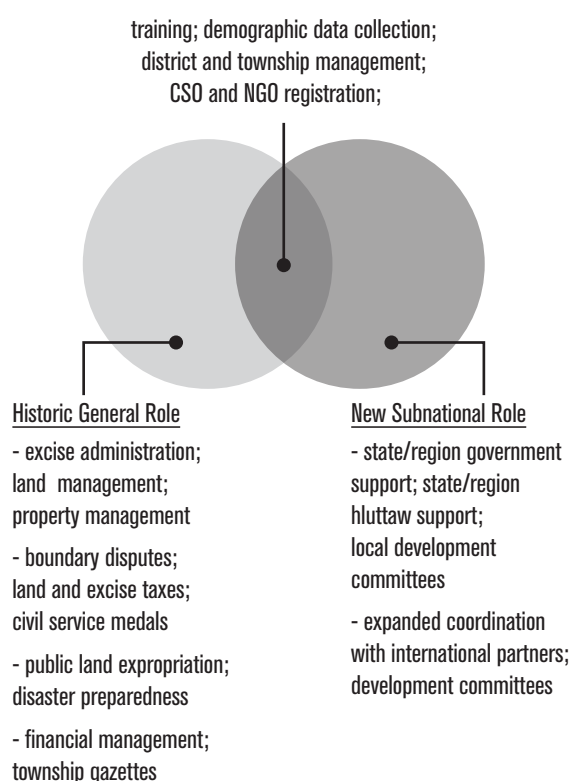
¹⁰ Ministry of Home Affairs PowerPoints.

¹¹ However, between 2013 and 2014, budget preparation for the state/region *hluttaw* offices was separated from the GAD state/region office budget, possibly increasing the *hluttaws'* autonomy, though all support staff are still GAD.

¹² The Ward or Village Tract Administration Law, Article 8.

¹³ This dualism was highlighted in repeated interviews with senior GAD staff, though there is no specific mention of it in the GAD's policy guidance. The Mon State executive secretary was most articulate in describing these roles.

Figure 1: GAD's Dual Roles



GAD Civil Service Officers

- Director General (1)
- Deputy Directors General (17)
- Directors (25)
- Deputy Directors (132)
- Assistant Directors (493)
- Gazetted Officers (1,452)

GAD's human resources indicate the increasingly deconcentrated nature of the department. GAD staff are both gazetted and non-gazetted officers,¹⁵ and the vast majority are employed at subnational levels. The single largest category of staff is non-gazetted village tract and ward clerks. It is notable that most of the executive staff, including 14 of 16 deputy directors general, are located in the states and regions.

All GAD officials serve three-year, rotating assignments and are generally recruited via Myanmar's Union Civil Servants Board (UCSB). Gender ratios vary significantly between officers and non-gazetted staff, with women making up 35 percent of non-gazetted staff, but just 11 percent of gazetted officers.¹⁶ There are no female township administrators, although, as a gesture toward gender equality, the GAD headquarters appointed a female deputy township administrator in Yangon Region. Although there are no legal provisions to prevent female administrators, just 17 of 15,972 current ward/village tract administrators are women.¹⁷

2.2: GAD's Union-Level Structure

Despite these dual roles, the GAD has experienced relatively few changes to the structure of its headquarters. Only one division has been added: the International Affairs Division emerged out of the need to engage with the international community.¹⁴ Conversely, at the subnational level, significant changes have been made. Two additional GAD offices exist in state and region capitals, and there are now five self-administered zones and one division that have dedicated GAD offices. GAD now has approximately 36,080 officers spread across the country.

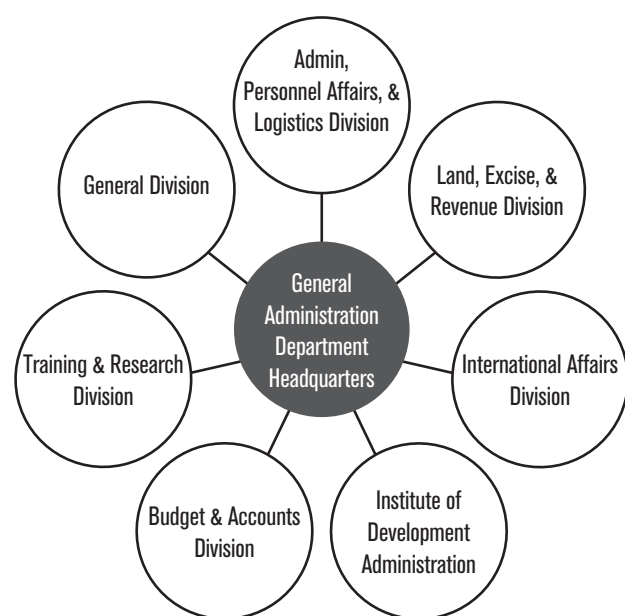
¹⁴ *GAD Chronicle*.

¹⁵ Gazetted officers are the director general, deputy directors general, directors, deputy directors, assistant directors, staff officers, and deputy staff officers. Non-gazetted officers are department clerks, sub-department clerks, senior clerks, junior clerks, accountants, office assistants, cleaners, and drivers.

¹⁶ GAD human resources statistics.

¹⁷ In contrast, GAD rules now state that only men can be hired as village tract or ward clerks. Prior to 2010, women could be hired as clerks, and some women still occupy these positions.

Figure 2: Components of the GAD Headquarters



Functions and Divisions

At the Union level, the GAD is primarily focused on the general administration aspects of its historic role.¹⁸ Responsibility for the plethora of tasks falls across six divisions located at the GAD’s Union headquarters in Nay Pyi Taw.¹⁹ There is also a seventh division, the Institute of Development Administration (IDA), located in northern Yangon. The IDA is a dedicated civil service training center for the GAD.²⁰

GAD Principal Responsibilities

- Excise administration;
- Collection of four kinds of tax;
- Structural settlement of villages and towns;
- Rural development;
- Formation and registration of organizations and associations;
- Conferring honorable titles and medals; and
- Functions on restriction of transferring the immovable properties.

The Administration, Personnel Affairs, and Logistics Division is primarily focused on the internal function of the GAD.²¹ Its remit includes managing administration, finance, and human resources systems for the GAD, and routine tasks such as determining appointments and transfers, setting promotion, managing the pension system, and recruitment. The Division is also responsible for providing administrative support to other parts of the MoHA.

The General Division undertakes an elective range of functions for the GAD.²² One of the most extensive is carrying out legal activities, such as enforcing the GAD’s own laws and policies for its staff. The General Division also responds to legal queries from Parliament, and is responsible for managing the registration process for domestic and international NGOs. This division has a specific mandate from a 1987 law to manage the return of foreign-owned property to Myanmar citizens.²³ Perhaps most importantly, the General Division is responsible for “structural settlements,” which demarcate the borders between administrative units such as wards, townships, and districts.²⁴

¹⁸ *GAD Record Manual*, Section 8.

¹⁹ GAD brochure.

²⁰ Ministry of Home Affairs, *GAD Annual Record 2012*, 4.

²¹ Ne Tun, (2010), *Changes in Administrative System and the Role of General Administration in Myanmar*, EMPA Thesis submitted to Yangon Institute of Economics (unpublished)., p. 116. General Administration Department Chronicle, 27.

²² Interview with the director and senior staff in the General Division, and the GAD brochure.

²³ This law was entitled the “Transfer of Immoveable Property Restriction Law.”

²⁴ For example, in 1972 there were 47 districts and 286 townships, versus 65 districts and 325 townships in 2004, and 73 districts and 330 townships in 2014. U Kyaw, *Changes in Territorial Administrative Structures*, 58, 63.

The Land, Excise, and Revenue Division's responsibilities primarily concern land and excise management and implementing four kinds of taxation: land, excise, mineral, and irrigation. The GAD is generally responsible for “town lands” and grants, and leases and licenses for residential, industrial, and commercial purposes.²⁵ The department is also responsible for securing the acquisition of land for the public interest, whether for building schools or roads, or for economic purposes such as special economic zones. This division is also involved in settling land disputes.²⁶

The Budgets and Accounts Division: Prior to the introduction of state and region governments in 2011, the Budgets and Accounts Division handled all state and region budgets.²⁷ However, following the dictates of the 2008 Constitution, the GAD budget now contains two parts: the Union budget of the GAD, and the state/region GAD budgets. The former covers the GAD headquarters budget, the IDA training-school budget, and the Nay Pyi Taw Council budget. For the 2012-2013 fiscal year, the GAD's Union budget was 2,093,385 kyat, most of which covered staff costs.²⁸

Since 2011, the budgets and accounts for state and region GAD offices have been managed by those offices.²⁹ This includes the salaries of all GAD staff at the subnational level. As a result, all GAD costs are included in the state and region budgets submitted annually by chief ministers. While precise figures are not available, the proportion of the GAD's budget going through its headquarters is now relatively small.

The Budget and Account Division also cooperates with the Ministry of Social Welfare, Relief, and Resettlement in natural disaster management. The GAD's director

general serves as joint secretary of the national-level Natural Disaster Protection and Management Working Committee. Subnational levels of government have similar committees or working groups set up, with similar GAD involvement.

The International Affairs Division: The newest unit at GAD headquarters is the International Affairs Division, which is tasked to engage with the international community, and especially with coordinating the wide range of large UN agencies. The Division also hosts the Sector Working Group for Public Sector Reforms, led by the UNDP and EU, and responds to special queries from international actors, including from the UN Human Rights Commission. It has also had a role in resolving border disputes, especially in recent times with India and Bangladesh.

The Training and Research Division was created in 2003. Its aggregates township data into annual gazettes intended for government use. The division also answers queries from Parliament and has been supporting communication between the Union and state and region election committees. The training section engages with the Union Civil Service Board and with international development partners.

The Institute of Development Administration is a GAD training center in Mingaladon Township, Yangon Region. It was set up to strengthen the capacity of administrators working in rural areas, and is headed by a director responsible to the director general and deputy director general of the Union GAD.

²⁵ The Ministry of Agriculture keeps records for all “farm lands” in the country, though the GAD manages “grazing grants” for pastureland.

²⁶ According to Union government order number 59/2013, the Land Use Management Central Committee is chaired by the vice president and vice chaired by the minister of home affairs and the minister of agriculture and irrigation.

²⁷ Interview with the director and senior staff of the GAD Budgets and Accounts Division.

²⁸ *GAD 2012 Annual Record*, 101.

²⁹ This means handled and spent, but not planned or budgeted, because the number and level of staff are set centrally.

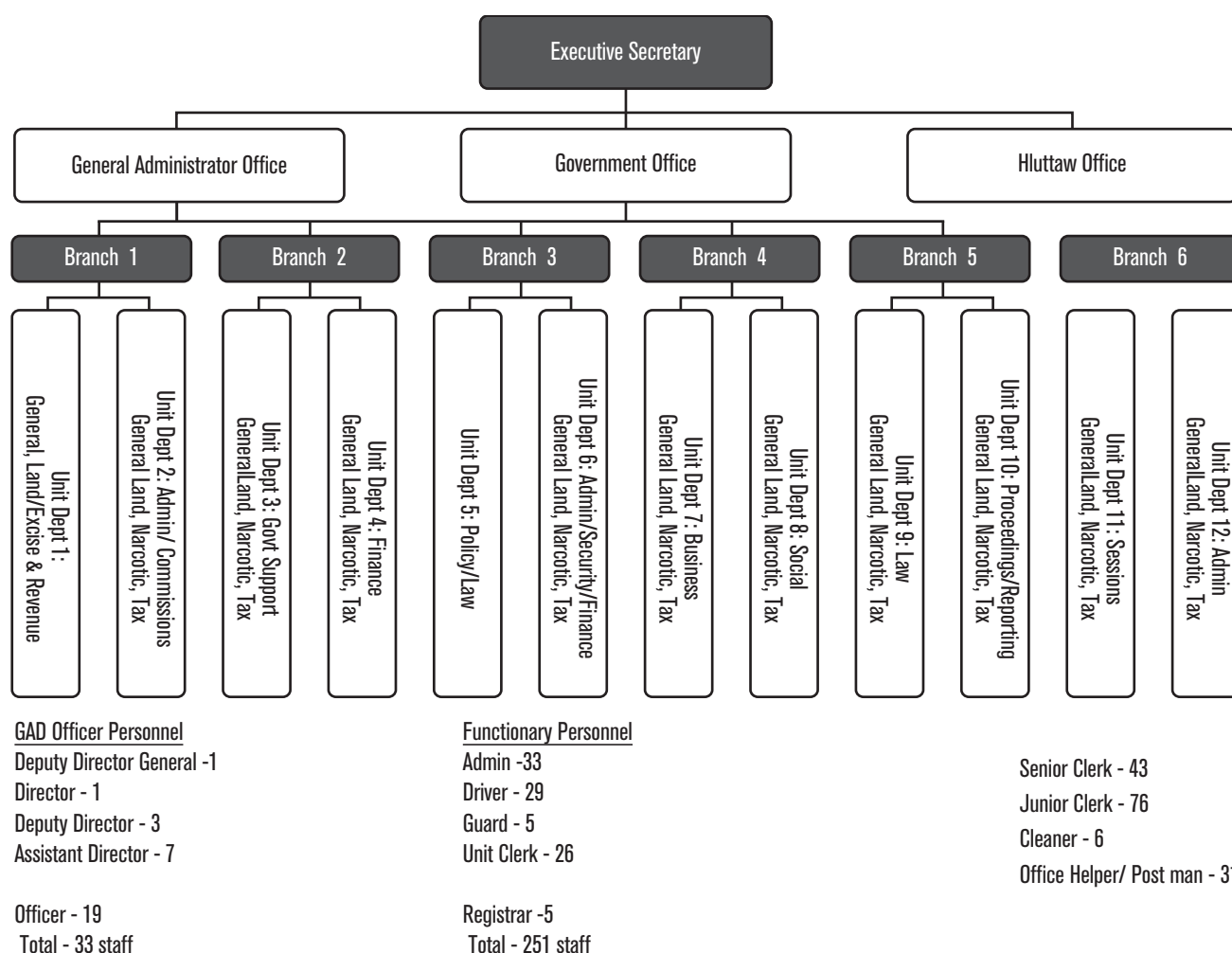
2.3: GAD's Subnational Functions and Structure The State and Region

The 2008 Constitution created 14 new state and region governments, and the GAD provides their basic administrative and coordination functions, both for the chief minister's office and for the region or state *hluttaw*. Meanwhile, the GAD continues to support state- or region-level Union ministries.³⁰ The senior GAD administrator for each state and region is the executive secretary of the state or region government (deputy director general level), supervising approximately 250 employees in three offices: a General Administrator Office, the state/region Government Office, and the state/region Hluttaw Office. Despite variance in state/

region populations, all GAD offices are uniform in personnel.

The GAD's Government Office provides administrative support to the chief minister and the nine state or region ministers that form the state or region cabinet. The Hluttaw Office provides administrative support for the state/region *hluttaw*. The General Administrator Office oversees the wider state/region administration (for example, managing general finance and human resource needs). This "horizontal" presence at the state/region level ensures that all correspondence, administration, budget management, and general functioning of both the executive and legislative branches of a state or region government are continually dependent on the work of GAD staff.

Structure of the state/region-level General Administration Department



³⁰ For example, all state/region meetings must be recorded by the office of the region or state government, which is the GAD office. Region and State Government Law, Article 50.

The state/region GAD executive secretaries remain accountable to the GAD in Nay Pyi Taw, as was the case prior to 2008. However, they are also expected to report to the chief minister as a matter of course.³¹ The General Administrator Office is responsible for GAD’s “historic role,” reporting back to the six divisions in GAD headquarters to fulfill the department’s long-assigned tasks. The General Administrator Office has two branches: one working on routine functions of the GAD, and another working on administration and financial support for the wider state/region government.³²

Conversely, the Government Office and the Hluttaw Office have been created recently to meet the GAD’s new subnational governance support requirement. Towards this purpose, the Government Office has two sub-departments that focus on a variety of support functions for the chief minister and his/her cabinet. In the Hluttaw Office, there are also two sub-departments: one engaged in legal support around draft legislation, and another that manages the *hluttaw* sessions.

The GAD also plays a strong role in the fiscal architecture and financial management at the state/region level. The subnational GAD offices are currently accounted for under state/region government budgets rather than under the GAD Union budget – including the discretionary funds traditionally budgeted to GAD for rural development. In the 2012-2013 fiscal year, the budget for rural area development was 300 million kyat derived from the MoHA’s own budget.³³

GAD’s Rural Development Focus Areas

- Agricultural Development
- Road Construction
- Drinking Water
- Health, Education
- Area Development

The GAD also provides fiscal management for several other local development funds: 1) assessing needs for the rural development budget of the Ministry of Border Affairs, 2) management support for implementation of the Union government’s Poverty Reduction Fund, and 3) needs assessment and implementation³⁴ of the Constituency Development Fund that allows the constituency’s four *hluttaw* members to select local development projects in their constituency of a value up to five million kyat per constituency.³⁵ This fund has no dedicated management office, so it relies on the GAD and assorted township infrastructure for implementation.

Below the state or region levels of governance lies the district, where a deputy director heads the GAD office. The district offices supervise the townships under their geographic jurisdiction and, as such, form a middle tier of administration that facilitates communication and coordination between the township and state or region governments. Two staff officers lead the district office’s two sub-departments and provide support to the district administrator. The total staff is 27, most of whom are clerks.³⁶

³¹ Nonetheless, the GAD is perceived as critically important, often sitting above the chief minister in the minds of outsiders. For example, civil society organizers in one state noted that, while the chief minister has some authority, such as over cabinet staffing, it is the GAD that releases the state or region budget, the sign of ultimate governance influence. Interview with a civil society organizer in Mon State.

³² Ministry of Home Affairs, *GAD Annual Record 2012*.

³³ Ministry of Home Affairs, *GAD Annual Record 2012*.

³⁴ Pyi Htaung Su Hluttaw Order Number 82/2013, Constituency Development Fund, Article 7.

³⁵ The four are: two for the respective state/region *hluttaus* and one apiece for the *pyithu* and *amyothar hluttaus*.

³⁶ Deputy director (x1), staff officer (x2), unit clerk (x1), senior clerk (x5), junior clerk (x12), driver (x1), guard (x1), postman (x2), and office helper (x2).

The Township

Myanmar's 330 townships are the building blocks for public administration in the country. Township general administration offices (township offices) are the focal point for Myanmar citizens' engagement with the state. The township office is where key functions of government take place, including population registration, land registration, and most forms of tax collection. Township administrators often identify their roles as the promotion of social and economic development through management of township affairs and oversight of implementation for development projects.

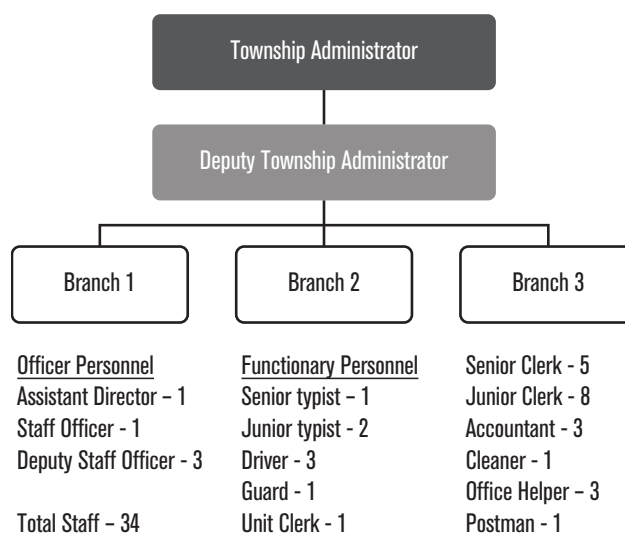
The township office is also responsible for coordinating assorted government actors functioning at the township level, including Union ministries' field offices. The township offices also have a plethora of other duties, ranging from data collection/aggregation and supervising village administration to assorted land management tasks, local dispute resolution, and tax collection.

While townships vary dramatically in population, township GAD offices are uniform in size,³⁷ with 34 GAD staff reporting to the township administrator, and a GAD assistant director.³⁸ The administrator is supported by a deputy. The two officers manage an office staffed primarily by clerks and accountants.

GAD's interaction with the private sector and local business occurs mostly at the township level. The township administrator issues licenses, such as for the sale of real estate or alcohol, and his office provides the necessary recommendation for a range of permits, including for construction and land transfers. The township office is also responsible for the physical collection of taxes.

Overall, townships are a central element in President Thein Sein's reform agenda, which stresses "people-centered development." Moreover, many large development partners – notably the World Bank and UNDP – have begun large-scale community development programs that emphasize both townships and village tracts. Although the GAD's township administrators remain firmly in control of this level of governance, there has been an expansion of assorted committees that help manage and guide local development efforts. As the GAD dominates the township level, this effectively puts the department at the very center of the Thein Sein government's reform plans, as well as those of many international development programs.

Township General Administration Office structure



The Village Tract and Ward

Despite reforms and local elections following the Ward or Village Tract Administration Law in February 2012, the GAD retains a significant role in local affairs.³⁹ Despite the GAD no longer employing the ward or tract

³⁷ For instance, and according to the GAD's own demographic data, the ratio of population to administrators is 503:1 in Chin State and 619:1 in Kayah State, whereas it is 2,566:1 in Yangon Region, and 2,154:1 in Mandalay Region. Interviews with the director and senior staff of the Administration, Personnel Affairs, and Logistics Division.

³⁸ Ministry of Home Affairs, *GAD Annual Record 2012*, 34.

³⁹ After passage of the Ward and Village Tract Administration Law in 2012, a selection process was implemented to indirectly elect the village tract administrator. Under the 2012 law, 10 household heads elect their preferred village tract administrator, who is then confirmed by the township administrator. For further details of this process, see Chapter IV, Articles 7-9, the Ward and Village Tract Administration Law, Ministry of Home Affairs.

administrator, they do provide a personal “subsidy.”⁴⁰ Though these administrators cannot be promoted, the township administrator can dismiss them for abuse of power, incompetence, or corruption.⁴¹ A village tract or ward clerk, who is a full GAD employee, supports each village tract administrator.

The role of these ward or village tract administrators is significant, given their position as the lowest rung of government officialdom and the primary interface between the state and Myanmar’s population, which remains overwhelmingly rural. Indeed, village tract administrators effectively act as an extension of the GAD’s township administrator, who supervises them.⁴² Village tract administrators continue to play the same varied roles that they have historically, including tax collection, land registration, and reporting on demographics. At times, village tract administrators may even be required to sign off on farmers’ loans from the Myanmar Agricultural Development Bank. Village tract clerks support the administrators and keep records of administrative, economic, and social statistics, as well as office procedures and security records, on 33 standardized forms.⁴³

Resulting from the president’s orders in 2012, a number of complementary committees have emerged at the district, township, and village tract levels. These are primarily management committees, development support committees, and farmland management bodies. The township level has two additional committees: the Township Development Affairs Committee (municipalities) and the Township Planning And Implementation Committee. In emphasizing the expanded role of local communities, the president was very clear about the need to balance the authority of

GAD administrators with participation by the community.

The GAD’s role is strongest in the district and township management committees, where district and township administrators act as chairpersons. District and township management committees are the most powerful committees in any one locality, being composed of local government officials responsible for administration, security, and social services.⁴⁴ Under the township management committee is a sub-committee, the Security, Stability, and Tranquility, and Rule-of-Law Working Committee, that coordinates local security needs. Additionally, GAD township deputy administrators are still involved as members of the other committees – the Development Support Committee and the Development Affairs (municipalities) Committee.

THREE: POLICY CONSIDERATIONS

The GAD’s influence at all levels of government has key implications for policy discussions under a new NLD government, and for the political dialogue underway between the Union government and ethnic armed groups (EAGs). The key issues surrounding the GAD can be broadly divided between those emerging from its designated functions and those stemming from its innate structure.

The GAD and land rights: The GAD’s functional roles in land use and land seizures will need to evolve as Myanmar gradually institutes a system of private land rights. Myanmar’s long and challenging history regarding land rights to land usage is only now beginning to change, and those changes will continue under an

⁴⁰ Ward and Village Tract Administration Law 2012, Chapter XIV, Articles 32-33. The 2012 Ward and Village Tract Administration Law, Article 28, states: “The Ministry of Home Affairs, with the approval of the Union government, shall prescribe the following subsidies for the ward or village tract administrator: (1) monthly subsidy, (2) lump sum subsidy if he serves the entire term of duty efficiently.”

⁴¹ This is complicated further by the fact that village tract administrators get an official appointment letter from the GAD.

⁴² In their interviews, village tract administrators routinely noted that they communicate regularly with their respective township administrators, and that approval is required for many different processes, including local development projects.

⁴³ These records are collected monthly and are amazingly extensive, covering population figures, school enrollment, migration, births and deaths, visitor lists, Red Cross activities, construction, and details of activities by local organizations. For a further description of their importance, see Bart Robertson, “A Vital, Little-Known Cog in Myanmar’s Reform Process,” *Myanmar Times*, 27 October 2013.

⁴⁴ Repeated interviews with township administrators. The specific mandate from the president is “to manage law and order, security, the rule of law, and economic and social issues in the township.” U Thein Sein. 26 December 2012, speech in Nay Pyi Taw, President’s Office, The Republic of the Union of Myanmar, <http://www.president-office.gov.mm/en/?q=briefing-room/speeches-andremarks/2012/12/26/id-1320>

NLD government. Due to perceptions that the GAD has at least accepted, if not facilitated, land grabs in the past, many people will find it difficult to accept their continued influence over land issues—both in ethnic majority areas and designated tourist areas in the Bamar regions.

Influence over planning processes: The prominent position of the GAD, and therefore the Home Affairs Ministry, on planning and development support committees is contentious. Subnational planning committees, especially those at the state/region and township levels, are likely to be vested with increased ability and financing in the coming years. The growing role of these committees will need to be accompanied by increased abilities for communities to influence the development process, either through locally selected leaders such as their tract and ward administrators, or through a GAD that evolves toward a more responsive, locally centered administrative organ of the state.

The above issues of GAD function are significant, but the very shape of the GAD itself, and how it is managed, are equally important challenges for Myanmar's future, and especially for the success of the political dialogue. The GAD has historically a) privileged central Myanmar over the ethnic states regarding recruitment, b) imposed central government actors in minority ethnic areas and c) been the face of government oppression. Reforms of the GAD will likely be key to any successful settlement.

Recruitment: While no official numbers on the ethnic makeup of the GAD are publicly available, there is little doubt that Bamar officers make up a supermajority of GAD cadres, including in ethnic states. Determining ways to improve recruitment in ethnic minority areas,

so as to begin creating a corps of ethnic minority GAD officers who are perceived as more legitimate than those they replace, will be vital to GAD's future role across Myanmar's ethnic states.

Rotations: The current GAD system uses three-year rotations, with GAD staff moving from township to township on a regular basis. These rotations are controlled from headquarters in Nay Pyi Taw, so sensitivity to local issues and contexts is challenging. There is a potential for the GAD deployment structure to be revised, perhaps with longer rotations, or by allowing GAD officers and staff to request, or be assigned to, postings where they more easily relate to local communities. This concern exists for both ethnic majority areas and the country's oft-impooverished Bamar center.

Decentralization vs. deconcentration vs. devolution: Since 2011 the GAD, among other departments, has undergone varying levels of decentralization or, more commonly, deconcentration. However, these processes have allowed the Union-level headquarters to retain significant policy and operational influence. True devolution has been rare. How the NLD government and the political dialogue engage with this "3D" debate will determine the trajectory for increased localism and, eventually, a federalist structure.

FOUR: KEY QUESTIONS AND FURTHER READING

Discussion Questions

- What steps should the GAD take to more fully gain the trust of the communities it administers, particularly in ethnic areas?
- In what ways can a new government look to reform the GAD's structure, mandate, and functioning?
- What should be the GAD's role in a federal Myanmar? Should the Department pursue greater deconcentration? Decentralization? Devolution? How should this be accomplished?
- To what group should a local administrative authority be responsible? The community? The region or state? The nation?
- How should the GAD and state and region development affairs organizations work together in a federal Myanmar?
- How should the structure of the GAD, including its recruitment process, be changed to encourage minorities to join and enhance its local legitimacy?

Further Reading

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